

Misbranding of the article was alleged in the libel for the reason that the statement "98 Lbs. When Packed," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 16, 1924, H. L. Dalton, Oakland, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the weight of the contents of the sacks be altered, under the supervision of this department, to conform with the law.

HOWARD M. GORE, *Secretary of Agriculture.*

12769. Adulteration of tomato catsup. U. S. v. 24 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18289. I. S. No. 12452-v. S. No. C-4275.)

On February 7, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of tomato catsup, remaining in the original unbroken packages at Columbus, Ohio, consigned November 24, 1923, alleging that the article had been shipped by the Brooks Tomato Products Co., Shirley, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jug) "M'fg. By Brooks Tomato Products Co., Collinsville, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 13, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12770. Misbranding of D-O-D. U. S. v. 72 Packages of D-O-D. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17487. I. S. No. 4522-v. S. No. C-3972.)

On May 5, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 72 packages of D-O-D, remaining in the original unbroken packages at Columbus, Ohio, consigned March 29, 1923, alleging that the article had been shipped by R. Burbach, West Allis, Wis., and transported from the State of Wisconsin into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 93 per cent sodium bicarbonate, 6 per cent potassium permanganate, 0.3 per cent magnesium sulphate, and small quantities of carbon and oxides of manganese.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, (label and carton) "Guaranteed when used according to directions to relieve any disease caused by poison or Bacteria or money refunded," (label) "D-O-D * * * invaluable in treating a great many different kinds of diseases. It Kills All Poison in the human system," (carton) "Gangrene * * * Eczema * * * Rashes and other Skin Diseases; * * * Dyspepsia Dysentery Cholera Morbus Indigestion Colic Pyorrhoea * * * Colds Sore Throat Bronchitis Catarrh Hay Fever Grippe Influenza, etc.," (circular) "a remedy has been discovered that will kill poison and bacteria in the human system wherever it can be reached, regardless of the disease—and that remedy is D-O-D * * * provides permanent relief to sufferers from every disease that is caused by poison * * * most all diseases are caused by poison in the human system, * * * taken internally will kill the poison in the stomach and bowels which is responsible for * * * Dyspepsia, Dysentery, * * * Cholera Morbus, Ulcers, Ptomaine Poison and many other kindred ailments * * * Gangrene * * * Eczema, Piles, * * * Rashes, * * * and other skin